

Research on the Green Principle of the General Principles of Civil Law from the Perspective of the Compilation of the Civil Code of China

Changjun Wu, Huimin Yan

School of Law, Beijing Wuzi University, Beijing, China

ABSTRACT

With the continuous development of society, environmental problems are also facing a severe test. People also put forward new requirements for the practical application of green principles. Based on the compilation of the Civil Code, this paper introduces the current research and analysis of the green principles by experts at home and abroad, expounds the connotation of the green principles, analyzes the implementation and application of the green principles and the problems encountered. In the process of discussion, the implementation and implementation of green principles in Contract Law, Property Law and Tort Liability Law are elaborated. In view of the specific problems hindering the implementation of the green principle, from the perspective of the compilation of Civil Code, through the study of the green principle involved in the relevant laws in the draft Civil Code, this paper puts forward concrete and feasible suggestions from multiple angles, promotes the development of the green principle, promotes the development of the ecological environment in China and realizes the harmonious coexistence of human and nature. In addition, this paper also discusses the shortcomings of the green principle in the use of legal provisions, such as the implementation of the green principle, the legislative value needs to be balanced and coordinated, the connotation and requirements need to be clear, the legal system needs to be promoted, the security system needs to be improved, and the implementation of the green principle needs to be strengthened. In view of these shortcomings, this paper puts forward some suggestions to effectively play the guiding role of the green principle in the general principles for the compilation of the specific provisions of the Civil Code, the reasonable definition of the connotation and requirements of the green principle in the process of the compilation of the Civil Code, the scientific handling of the relationship between the green principle in the compilation of the Civil Code and other civil principles, the balance and coordination of the relationship between the green principle in the Civil Code and the principles of the environmental law and the circular economy promotion law, and the continuous improvement of the implementation of the green principle in the Civil Code. The system of barrier system and the emphasis on strengthening the principle and system connection between the specific provisions of Civil Code.

KEYWORDS: Civil Code; codification; General Principles of Civil Law; green principles

I. INTRODUCTION

A. The purpose of the research on the green principle of the General Principles of Civil Law from the perspective of the compilation of Civil Code

At present, our country is facing the increasingly serious problem of resource shortage and environmental pollution. How to deal with the problem of how to get along with the natural environment is particularly important. By solving the contradiction between human and nature, we can promote the harmony between human and nature, which needs the support of law. As a new principle of the General Principles of Civil Law in China, there are still many problems in the practical application of the green principle, and there are still many problems to be solved. The purpose of this paper is to study the green principle in the General Principles of Civil

Law, to better promote the relationship between human and nature, to promote the steady and rapid development of China's economy, and to provide legal protection for solving the real contradictions in China.

B. The significance of the research on the green principle of the General Principles of Civil Law from the perspective of Civil Code compilation

1. Theoretical significance

It is beneficial to deepen the connotation research of the green principle in the General Principles of Civil Law and promote the continuous development and improvement of the Civil Code system. China's ecological environment is in a period of serious problems. With the continuous

How to cite this paper: Changjun Wu | Huimin Yan "Research on the Green Principle of the General Principles of Civil Law from the Perspective of the Compilation of the Civil Code of China" Published in International Journal of Trend in Scientific Research and Development (ijtsrd), ISSN: 2456-6470, Volume-4 | Issue-1, December 2019, pp.339-347, URL: <https://www.ijtsrd.com/papers/ijtsrd29569.pdf>



IJTSRD29569

Copyright © 2019 by author(s) and International Journal of Trend in Scientific Research and Development Journal. This is an Open Access article distributed under the terms of the Creative Commons Attribution License (CC BY 4.0) (<http://creativecommons.org/licenses/by/4.0>)



development of economy, many problems will arise if the relationship between environment and economy is not balanced in time. This paper analyzes the green principle of the General Principles of Civil Law from the perspective of Civil Code compilation, and demonstrates it in combination with the current legal norms in China. Theoretical research is particularly important for the establishment of a coordinated legal guarantee mechanism for green economic development.

2. Practical significance

The research results of the green principle of the General Principles of Civil Law are conducive to providing theoretical support and scientific basis for the compilation of the Civil Code. As a new basic principle of civil law, the significance of the green principle is that it embodies the requirements of the overall layout of "five in one" and the concept of realizing sustainable economic development. It is not only a response to the development concept of "green water and green mountains are golden mountains and silver mountains", but also a legal form to show the world our firm belief in the construction of ecological civilization. The research on the green principle not only opens up a new system path for solving the environmental ecological problems at the macro level, but also effectively promotes the rational use of natural resources by citizens and the harmonious coexistence of human and nature at the micro level.

C. Research status at home and abroad

1. Domestic research status

At present, China is still in the early stage of research, because the General Principles of Civil Law was adopted in 2017, and the theoretical research of green principle is not sufficient, but the domestic academic community basically holds a positive attitude towards it, and some people slightly exclude it. Therefore, when we study the green principle of the General Principles of Civil Law from the perspective of Civil Code compilation, we need to understand the opinions of experts from all sides.

Chen Jingxian thinks that the new green principle in the General Principles of Civil Law accords with the current social development situation, the development trend of civil law ecology and the conditions of the basic principles of civil law. As a new principle of independence, it is different from the principle of public order and good custom, which is well known by the public before. Its application requires us to treat it carefully, neither use it nor abuse it. In the process of application, it is necessary to analyze the specific problems and treat the specific cases, so as to play its greatest role.

Liu Changxing thinks that green principle can't only be displayed as a principle in the general principles, it needs to be carried out and implemented in the specific provisions. The green principle requires us to save resources and protect the environment, which also lays a "green" development tone for the future development of our country, which is not only a response to the reality, but also lays a foundation for the compilation of the green principle of the Civil Code in the future.

It is believed that the property right of the Civil Code to be issued has achieved the goal of green development through the corresponding modification, addition and deletion of the legal provisions, but this act can not be in violation of the

"green principle" stipulated in the General Principles of Civil Law, and needs to be carried out in two levels of internal and external rules, so as to achieve the reasonable use of the green principle.

In addition, a small number of experts do not support the inclusion of green principles in the General Principles of Civil Law. They believe that civil law is a law on rights, while the content of green principles is mainly to save resources and protect the ecological environment, which is a pursuit of social public interests, which is different from the basic positioning of civil law, which is also the exclusion of some scholars in the civil law field from the inclusion of green principles 《The important reason of General Principles of Civil Law. They hope that the Civil Code is the protection of civil rights, not the limitation, and that the Civil Code is more pure.

2. Research status abroad

Foreign "green principle" is also the focus of our research. This paper is based on the different legislation and planning of green principles in different countries and the development experience of other countries, so as to help the final and more scientific research on the green principles of the General Principles of Civil Law from the perspective of Civil Code compilation.

Ed brown, Jonathan cloke, Danielle gent, Paul h. Johnson and Chloe hillren think that in recent years, the system of green economy and the official understanding and construction of green economy in the south of the world are worth our thinking. Many international actors' assertions about the transformation potential of green economy cover up the complexity of the problem, including that green economy is still based on the old fossil economy. And the degree of technological restoration, as well as the concept of green economy are still subject to the process of economic and Technological Development in the north. We need to study the knowledge source of green economy in a broader historical background. If the green economy is to meet the global challenges effectively, it must be conceptualized.

Dejan lon č AR, Jane paunkovi ć, Violeta jovanovi ć, vesna krsti ć believe that in recent years, with the importance of social and environmental factors becoming more and more prominent, the challenges faced by enterprises have gradually turned into drafting new operating procedures and improving the business conditions of social and environmental responsibility. The company focuses on Ecological Innovation and the production of "green products". Innovation is important and positively related to "going green". Access to green environment can increase the innovation of competitors and display environmental protection products. Therefore, it is necessary for the research of going green.

D. Research methods

1. Literature research

Through combing the relevant policy documents and research results of some scholars in recent years, we can understand the frontier progress in relevant fields, straighten out the main context of how to implement the green principle, and preliminarily collect and sort out the relevant legal policies of the green principle, so as to provide theoretical basis for the development of the green principle

in the General Principles of Civil Law from the perspective of Civil Code compilation.

2. Experience summary method

Through the research and investigation of relevant legal documents, we can understand the main contents, summarize the advanced and characteristic application of green principles, and summarize the remaining deficiencies, so as to lay a foundation for the next research.

3. Case study method

Through the collection of some relevant cases and specific cases, this paper provides a practical basis for the study of the green principles of the General Principles of Civil Law.

E. Definition of relevant concepts

1. Codification of Civil Code

Civil Code refers to the code used to regulate the private law relationship between equal subjects in countries adopting written law. It brings together the rights of private law, standardizes the legal acts, identity acts and other acts between the parties in an abstract way after sorting out and compiling the same type of legal provisions, and finally forms a systematic and perfect legal system.

2. General Principles of Civil Law

The General Principles of Civil Law stipulates the basic rules and principles that civil subjects must abide by when engaging in civil activities. In the process of adjusting civil relations, it plays an important role in protecting the legitimate rights and interests of citizens, maintaining social order and promoting social development.

3. Green principle

In the process of civil activities, civil subjects should pay attention to saving resources and protecting the environment, promoting the rational use of resources, building a harmonious relationship between man and nature, and promoting the sustainable development of economy and society the perspective of Civil Code compilation.

II. Analysis of the connotation of the green principle in the General Principles of Civil Law from the perspective of Civil Code compilation

A. Contents of green principles in General Principles of Civil Law

Article 9 of the General Principles of Civil Law implies that in the contemporary society, the utilization of resources should be improved, the waste of resources should be reduced, and the ecological environment should be protected. In the contemporary society, the contradiction between the limited resources and the increasing market demand is becoming more and more acute, and the most effective way to solve this contradiction is to improve the utilization rate of resources. Therefore, the green principle will play a guiding role in the effective utilization and sustainable development of resources.

B. Basic requirements of green principle in General Principles of Civil Law

From the content of the green principle, there are two aspects, the first is to save resources. The basic requirement for us is that we should pay attention to the protection of resources and not waste resources in the process of civil

activities. Resources are often non renewable, especially natural resources, so when we exercise our rights over resources, we should pay attention to saving resources and make the best use of them; secondly, we should protect the ecological environment. Human beings are closely related to the fate of nature. We have unlimited access to nature, and the most likely result is to lose both. Many natural resources take millions of years to form, and once the ecological environment is destroyed, it is difficult to recover. It can be said that the destruction of the ecological environment is the destruction of our living homes, which is not conducive to the sustainable development of social economy. We should realize the harmonious development of human and nature on the basis of saving resources and protecting the environment, and let a good ecological environment become an important driving force to promote the continuous improvement of people's quality of life.

C. The value and significance of the green principle in the General Principles of Civil Law

As a new principle in the General Principles of Civil Law, the value of green principle is irreplaceable. Before that, although other relevant laws have also made provisions on green development, in fact, they have not had a clear effect. Taking "green" as the principle is the requirement between social economic development and environmental protection. It inherits the traditional culture of harmonious coexistence between man and nature from China's specific practice, and responds to the needs of green development by means of law, reflecting the new development of civil law in China. Compared with the previous legislation, it has made subtle adjustments and provisions, and also reflects the transformation and development of civil law from traditional civil law to modern civil law. In addition, green principle as a basis of value judgment, when there is a legal loophole, the judge can exercise discretion according to it.

As the general principle, the green principle provides the basic principles and guidelines for the construction and implementation of the system of General Principles of Civil Law, and also provides the value direction for the future Civil Code compilation and implementation of the concept of sustainable development. At the same time, it promotes the implementation and implementation of the concept of sustainable development of General Principles of Civil Law in judicial trials, and promotes the continuous development of civil law.

III. Implementation and application of green principles in General Principles of Civil Law from the perspective of Civil Code compilation

A. The implementation of the green principle of the General Principles of Civil Law in the compilation of the Contract Law

As we all know, the Contract Law is based on the party autonomy, while the green principle is based on the environmental protection. It is a social public enterprise, which needs to protect the public interest by limiting the private rights. Therefore, there is a certain conflict between the green principle and the autonomy of will stipulated in the Contract Law. How to integrate the green principle into the Contract Law is more urgent.

It is generally believed that agreement is the foundation of modern Contract Law, and freedom of contract is also known

as the core principle of Contract Law, which is the most direct and concentrated embodiment of the principle of autonomy of will in civil law. This is also the fundamental reason why the theoretical discussion and system design of the green civil law have not gone into the field of Contract Law so far. [1] However, we should know that there are differences in party autonomy in different stages of social development. In the current stage of China's social development, we need to pay attention to the deteriorating ecological environment. The party autonomy needs to be based on the good operation of the social environment. Therefore, the implementation of the green principle is particularly urgent.

1. Make it clear that pollution and damage to the environment are void of the contract

The article 52 of the Contract Law stipulates the main situation of the invalidity of the contract, but throughout the article, we find that in the norms of the invalidity of the contract, the article of the law does not make clear provisions on environmental pollution. The author believes that this obviously belongs to the flaws in the law and needs to be supplemented.

2. Improve the content of Article 62 of the Contract Law

In the fifth paragraph of Article 62 of the Contract Law, it is mentioned that when the mode of performance of the contract is not clear, the actual operation shall be carried out according to the means conducive to the realization of the contract. However, we should consider the impact of this behavior on the environment while maximizing the purpose of the contract, so as to achieve a win-win situation between the purpose of the contract and environmental protection.

3. Incorporate the green principle into Article 125 of the Contract Law

Article 125 of the Contract Law stipulates the method of handling and understanding the disputed contract, and makes the purpose of the contract clearer by means of literal interpretation, trading habits and the purpose of the contract. In this clause, we note that the contract is interpreted with reference to trading habits and the principle of good faith, but without the green principle. Therefore, we should incorporate the green principle into the compilation of Civil Code contract, which is more conducive to the enrichment and improvement of contract interpretation.

B. The implementation of the green principle of the General Principles of Civil Law in the compilation of the Property Law

Throughout the full text of the Property Law, it contains the concept of saving resources and protecting ecological environment in the green principle, but it has not been implemented in reality. With the gradual decrease of natural resources and environmental capacity, we need to pay more and more attention to the necessity of green development. In the Property Law, the identification of the ownership of property and people's treatment and utilization of things also affect the implementation of the green principle to a great extent. Therefore, although we may not see a lot of "green development" and other similar words in the full text of the Property Law, we cannot deny the connection between the green principle and the Property Law. In the

process of compiling the Property Law, we need to keep and carry forward the green principle on the original basis, so that it can be truly implemented.

First of all, it is the premise of "saving resources" to make clear the attribution of natural resources. The relevant legal provisions of the Property Law have done a good job in this respect, and we need to continue. For example, the provisions of the Property Law on the ownership of natural resources provide the right basis for us to exercise the relevant rights, such as the rights of exploration, water extraction, mining and fishing, while the rights of ownership and usufruct provide the relevant legal norms for us to better use natural resources. We need to inherit, absorb and develop the relevant legal provisions in the compilation process of the Property Law.

In addition, in the first chapter of the first part of the Property Law, Article 7 does not specify the green principle. Although we can barely put it next to the green principle, this does not mean that we can use the green principle as a theoretical basis. Therefore, we need to make clear the establishment of the basic principles of the green principle in the compilation of the Property Law.

In addition, the property right is exclusive and exclusive, which is an important basis for the maintenance of the property right. But when exercising the real right, we should try our best to protect the environment and save resources. In life, when we exercise our rights, we may waste resources, even if sometimes we don't notice. For example, there are many people who own more than two houses, and there may be only one permanent house, which will make the remaining houses vacant, while others may buy other houses because of the shortage of houses, so the price of houses may rise. But the owner of the house has ownership of the house. Although you are exercising your rights, on the other hand, it does cause waste of resources. Therefore, in the process of compiling the Property Law, we should strengthen the close connection between the exercise of property rights and the green principle, and reduce the waste of resources.

C. The implementation of the green principle of the General Principles of Civil Law in the compilation of the Tort Liability Law

Tort Liability Law is one of the laws closely related to green principle. However, as a private law, the nature of civil law determines that it takes the protection of citizens' private rights as its main content. It is impossible and will not take the protection of the environment and the conservation of resources as the basic criteria. For the protection of the environment, public law is still needed. Therefore, in the process of connecting the green principle with the Tort Liability Law, we can do more to supplement and discuss on the basis of the original.

First of all, Article 65 of the Tort Law stipulates that the polluter should be responsible for the consequences of the damage caused by the polluted environment, which ignores the protection of ecology in practical application. From the article 64 of the Environmental Protection Law, we can find that there are two aspects concerned: environmental pollution and ecological damage. Obviously, according to Article 65 of the Tort Law, there is no legal consequence of ecological damage, and there is a difference in the

connection between the two. The destruction of ecology also belongs to the jurisdiction of the green principle in essence, and the loopholes in the middle are not conducive to the implementation of the green principle. Therefore, in the process of compiling Tort Liability Law, how to deal with the ecological damage caused by the addition of Article 65 can make its content more connected and more conducive to the implementation of the green principle.

Secondly, environmental tort may cause damage to other people's personal or property and ecological environment at the same time, but the subject of ecological environment damage is difficult to be attributed to a specific civil subject, so it is difficult to make specific relief. Therefore, with the continuous deterioration of the ecological environment, the scope of environmental tort liability needs to be expanded, which is also the need to implement the development of green principles in the process of compiling the Civil Code Tort Liability Law.

Finally, in Article 68 of the Tort Liability Law, we notice that this article only determines the liability for compensation to the infringed, but does not make any provision for environmental compensation. In order to better implement the green principle, the author thinks that it is necessary to add the pollution of ecological environment caused by environmental pollution in the content of Article 68, so that the damaged natural environment can be restored and reused. If it is not possible to restore the environment to its original state, corresponding compensation should also be given as the subsequent restoration of ecology. The cost of reasonable means required by the environment.

D. Connection and coordination between the green principle of the General Principles of Civil Law and the Environmental Protection Law and the resource protection law

From the perspective of China's legal system, Environmental Protection Law and resource protection law can best embody the green principle.

Therefore, we need to do a good job of docking and coordination between the two, promote the sustainable development of resources, and improve the operation of the environment. Through the integration of the two sides, improve the protection of ecological environment by the Environmental Protection Law and the resource protection law. In this process, we need to pay attention to the following points:

On the one hand, because the Environmental Protection Law and the resource protection law have more detailed provisions on environmental protection and resource conservation, while the green principle is only the guiding principle, and because the Environmental Protection Law and the resource protection law appear earlier and are more perfect in practice, these are easy to make the green principle become empty talk and difficult to be implemented in practice, so it appears An aerial situation. In addition, the application of the principle for the judicial referee, in the previous application of cases is relatively rare, out of a less dare to use mentality, may cause the application of the green principle is more difficult. In addition, even for those who work in the front line of justice for a long time, unless it is a case of certainty, the author thinks that the referee will not

make a judgment based on this standard. Therefore, we need to perfect the green principle better, so that it can be combined with the Environmental Protection Law and the resource protection law, increase its utilization rate, and get better development.

On the other hand, when using the green principle, we should pay attention to the combination with the Environmental Protection Law and the resource protection law. Although the green principle can not be directly used as the basis of judgment, it can be used as the guiding principle of cases. Therefore, it also gives the green principle greater flexibility and discretion. In the process of dealing with environmental issues, due to the different circumstances and complexity of the case, there may be different judgments for the same case. Therefore, we need to take corresponding measures to prevent the abuse of discretion by judicial personnel, resulting in unfair judgment and waste of resources.

IV. Analysis on the implementation of the green principle in the General Principles of Civil Law

A. Legislative value needs to be balanced and coordinated

Although the green principle has become the basic principle in the General Principles of Civil Law, it does not mean that the green principle will become the most important principle of civil law. For the green principle, we need to be aware of its legislative value goal, so as to balance its legislative value. In the face of the current situation of environmental pollution, ecological damage and resource shortage, and with the growth of population and the deepening of urbanization process, there is more demand for resources today, the introduction of green principle is actually to balance the contradiction between economic development and environmental pollution. In other words, it is also to realize the sustainable development of green. In today's society, sustainable development is increasingly becoming an important basis for dealing with the current situation of serious environmental pollution, while the intergenerational equity value contained in the green principle requires us to coordinate the relationship between environmental equity and economic efficiency, and we can't ignore environmental interests just for the sake of pursuing economic interests. Therefore, the provision of green principle in civil law is in line with the needs of social development, which can let us play its role effectively.

B. The connotation and requirements of green principle need to be clarified

In the existing General Principles of Civil Law, the content of the green principle of civil law is only roughly defined, but no specific requirements and basic implementation methods are put forward. The green principle is also a guiding principle, which can not be directly used as the legal basis for judging cases. When loopholes appear in practice, if they are not stopped in time, judicial injustice and waste of resources may be caused. It is not conducive to the implementation of the green principle. Therefore, it is necessary to clarify the connotation and requirements of the green principle.

C. The coordination of legal system needs to be promoted

Civil law is a private law, its focus is more to protect people's private rights, rather than focus on protecting the

environment and saving resources. Therefore, this is also the fundamental reason why the green principle cannot become the most important principle of civil law. We should strengthen the internal system construction of the Civil Code, make the legal provisions coordinate with each other, jointly implement the green principle, and make the green principle a bridge between the civil law and other laws and regulations, especially the Environmental Protection Law and the economic law, give full play to the guiding principle of the green principle, and under its guidance, constantly improve the relevant legal system and promote green Color principle is better and more perfect.

D. Implementation of green principles needs to be strengthened

Although the green principle is controversial when it is added to the General Principles of Civil Law, it has become one of the basic principles of the General Principles of Civil Law, so it needs to be continuously improved and developed. In today's era, we need to have a more in-depth interpretation of the green principle, rather than make it superficial and become a "skeleton" without judges. In the process of compiling the Civil Code, we should pay attention to the application of the green principle, so that its idea can be instilled into the corresponding legal system or even more. In addition, we need to note that the implementation of the green principle in the Contract Law has not yet been implemented in practice, and there is no substantial reflection of the green principle and the corresponding system design in its legal system. From here to there, we can see that there is still a lot of room for improvement in the implementation of the green principle in the preparation of the contract. In order to fully implement the new development concept, accelerate the construction of ecological civilization, solve the contradiction between the people's growing needs for a better life and unbalanced and inadequate development, and make green water, green mountains, blue sky and white clouds become the norm. We should constantly strengthen the green principle and realize the green of the Civil Code.

E. The guarantee system of green principle needs to be improved

In the General Principles of Civil Law of our country, as a new principle, green principle is not guaranteed by a perfect legal system. Therefore, it is particularly important to speed up the construction of a complete system of relevant ecological civilization construction system, which emphasizes both encouragement and punishment. Therefore, we need to strengthen the construction of the legal system, clarify the relevant legal responsibilities, and provide a reliable system guarantee for the green principle.

In real life, the legal costs for environmental infringement are relatively low, which makes many small enterprises do not attach great importance to environmental issues. Facing the supervision from law enforcement departments, there are policies and countermeasures, and decontamination instruments are prepared, but only for response and inspection. To a large extent, the environmental security system is not perfect and the cost of breaking the law is low. If the security system is relatively perfect or even very perfect, it will greatly reduce the generation of environmental tort.

V. Suggestions on the study of green principles in General Principles of Civil Law from the perspective of promoting the compilation of Civil Code

A. Give full play to the guiding role of the green principle of the General Principles of Civil Law in the compilation of the specific provisions of the Civil Code

As a general principle, green principle plays an important guiding role in the compilation of specific provisions of Civil Code. Larenz once pointed out that the whole legal order (or most of it) is dominated by specific guiding legal thoughts, principles or general value standards. Therefore, the basic principles of civil law must be abided by. Only in this way can the basic principles of the General Principles of Civil Law be integrated into the contents of the specific provisions of Civil Code. Therefore, in the compilation process of the specific provisions of the Civil Code, the green principle can be written into the specific provisions, so as to better implement it.

B. Reasonably define the connotation and requirements of green principle in the process of Civil Code compilation

We all know that Article 9 of the General Principles of Civil Law provides for the green principle, but the scope of this provision is relatively wide. In the process of compiling the Civil Code, we must regulate it in detail, otherwise it will easily become a legal loophole, so it is difficult to play a substantive role. From the current published draft of Civil Code compilation, the clue that the green principle has been "virtual" has emerged quietly. The appearance of this phenomenon is not conducive to the specific implementation of the basic principle of civil law - green principle in the compilation of Civil Code. Therefore, how to define the connotation and requirements of green principle is more important.

First of all, we should understand the meaning of saving resources. Resources are the general term of various material elements. In the economic commentary, "resources" is defined as "inputs used in the production process". According to our common division, resources can be divided into natural resources and social resources, while "resources" here mainly refers to natural resources. Therefore, saving resources mainly refers to saving natural resources.

Secondly, we should understand the meaning of ecological environment. It refers to a whole formed by various ecosystems closely related to human beings and affecting human survival. But we need to know that ecological environment is actually a combination of ecology and environment. The use of this word can be traced back to the fifth session of the Fifth National People's Congress in 1982. But at that time, there was no explanation for the term, and its meaning has been controversial until now.

Therefore, we need to reasonably define the connotation and requirements of the green principle in the process of Civil Code compilation, and stipulate its connotation and extension, so as to make it develop for a long time.

C. Scientific handling of the relationship between the green principle and other civil law principles in the compilation of Civil Code

Looking at the basic principles of the General Principles of Civil Law, we can understand the basic principles of civil law,

such as equality, voluntariness, fairness, integrity, legality, public order, good customs and green principles. Compared with the old principles of civil law, the new green principles are obviously exogenous and open. It can be seen that this is the combination of contemporary practice and theory, the product of interaction between civil law and Environmental Protection Law, and the requirement of sustainable development under realistic conditions. Therefore, it is more important to deal with the relationship between the green principle and other principles of civil law.

In the process of economic development, there may be contradictions and conflicts with environmental interests. We can use the green principle and the fair principle to deal with the relationship between the two and play a greater value to each other. As we all know, the principle of good faith is the "emperor clause" in the principle of the General Principles of Civil Law, which requires enterprises to take good faith as the basis in the development process, pay attention to the protection of the environment, and realize the mutual promotion and development of green principle and good faith principle.

D. Balance and coordinate the relationship between the green principles of the Civil Code, the Environmental Protection Law and the Circular Economy Promotion Law

Article 5 of the Environmental Protection Law stipulates its basic principles. As we all know, once an environmental problem occurs, it is often difficult to repair or even save. No matter for the environment or economy, taking the road of pollution first and then treatment is an uneconomical business, which will cause huge losses. Therefore, the basic principles stipulated in the Environmental Protection Law can effectively prevent the occurrence of hazards to a large extent. The main principles of economic law are appropriate intervention principle and reasonable competition principle. In the process of promoting the development of the green principle, we can combine the basic principles of the Environmental Protection Law and the economic law. In the process of engaging in civil activities, we should save resources and protect the environment. When the environment and resources have not been infringed, we should pay attention to prevention and take the strategy of sustainable development. In the economic competition, we should not seek ourselves at the cost of damaging the environmental interests. To achieve green development. On the contrary, when the environment and resources are damaged, we should manage them in many ways, and bear corresponding responsibilities in proportion under the guidance of the green principle. The reasonable distribution and use of resources and environment can be guaranteed by the method of appropriate state intervention.

In addition, the purpose of the circular economy promotion law is to promote the development of circular economy, realize the sustainable utilization of resources, realize the purpose of saving resources and protecting the environment. In response to this, the green principle is also to save resources and protect the environment. In order to realize the effective utilization of resources and the sustainable development of economy, it is necessary to link the green principle with the circular economy promotion law, balance the relationship between them and achieve common development.

E. Constantly improve the security system of the implementation of the green principles of the Civil Code

First of all, we should establish and improve the supervision mechanism for the implementation of laws, give full play to the supervision of the people's Congress on the implementation of the green principles of the Civil Code, strengthen the supervision of the procuratorial organs on the implementation of the green principles of the Civil Code, and have the right to file public interest litigation for major violations of the environment; strengthen the supervision of the public opinion media by means of the Internet, bulletin boards and other means as well as publicity and green. At the same time, we should encourage the masses to establish the awareness of environmental protection, effectively supervise the behaviors of destroying ecological environment and wasting resources, work together to implement the green principle, and jointly build a harmonious relationship between human and nature.

Secondly, we should speed up the establishment and improvement of the property rights system of natural resources assets. According to Articles 9 and 10 of the constitution of our country, the ownership of natural resources in our country mainly includes state ownership and collective ownership. Therefore, we need to continuously improve and develop the relevant natural resource security system on this basis, and the green principle can be implemented in detail. This is also an important way to improve the protection and utilization of natural resources in China.

In addition, we need to improve the market response mechanism to natural resources. In life, we can always see some excessive waste of resources, such as in small coal mines, because there is no perfect facilities and equipment for coal mining, the production mode is rough, causing serious coal waste. Therefore, we need to establish a perfect market response mechanism, through price adjustment and other ways as a reflection of resource storage and the possible price rise caused by excessive use, so as to promote the establishment of an efficient resource allocation mechanism, reduce environmental pollution, and realize the green development of the industry. In addition, the relevant government can also encourage the green development of resources through the necessary policies, and implement Comrade Xi Jinping's "green water and green hills", namely, Jinshan Yinshan, and integrate the concept of green development into all aspects of resource construction to achieve a beautiful China.

Moreover, we should speed up the establishment of a sound legal system. Although the green principle has been mentioned for a long time, in fact, there is no specific legal basis for its application. Therefore, we need to constantly improve the Environmental governance system, strictly to "there are laws to follow, there are laws to follow, law enforcement must be strict, illegal must be prosecuted."

Finally, we need to strengthen people's awareness of environmental protection. We should strengthen the publicity of law popularization, especially the publicity of green development. We should realize that we live in the same global village, and your waste of resources is not irrelevant to me, on the contrary, it is closely related. What

you think you do has nothing to do with others, but it also damages me. After all, the environment is an inseparable whole, and any problem in any link will damage the whole environment. For example, the London smog in 1952. The main culprit in this case is coal dust and sulfur dioxide emissions. Due to the progress of the industrial revolution, the excessive discharge of this pollutant by factories and residents has also caused the pollution of the atmospheric environment. The disaster lasted for a long time. Smoke forced many airplanes to stop flying. Cars need to turn on the lights during the day. The high concentration of smoke also caused the health of residents to be endangered. Through the respiratory system, a variety of physical diseases were caused, and the impact is not far-reaching. In this case, we can see the impact of the environment on people and the chain effect on the environment as a whole when there is a problem in the process of environmental development. Therefore, it is urgent to strengthen people's awareness of environmental protection.

F. Attach importance to strengthening the principle and system docking between the specific provisions of the Civil Code

Generally speaking, the basic principle of civil law is the highly abstract expression of civil law values and value orientation. It plays a role and function of advancing with the times in the adjustment of civil law to social relations, which can effectively make up for the shortcomings of the written law, and can also give judges some discretion. As a guiding principle, the basic principles of civil law can not be directly used as a legal norm as the basis for judging cases. Through playing a role together with certain legal provisions, the Civil Code has a certain elastic space. In order to give full play to the role of different provisions of the Civil Code, we should pay more attention to strengthening the principle and system docking between the provisions of the Civil Code.

First of all, in this year's new draft of the contract, the second paragraph of article 257 stipulates that when there is ambiguity in the content of the contract text, it shall be interpreted according to the nature, purpose and principle of good faith of the contract. We note that the green principle is not clearly written out in the basis of interpretation, which is quite regrettable. The author thinks that it is necessary to write the green principle clearly in the legal provisions, which is conducive to the principle and system docking between the specific provisions of the Civil Code and the implementation of the green principle. However, the second paragraph of article 300 of the draft stipulates that the environment shall be protected during the performance of the contract; in addition, article 415 stipulates that the subject matter shall be recovered by itself or through others after the expiration of its service life. In these articles, we can see that the combination of the draft contract and the green principle is relatively close. We can not ignore these, but also need to strengthen the implementation of them.

Secondly, in the draft of tort liability, the punitive compensation system for ecological environment damage is added. In addition, the draft also clearly stipulates the restoration and compensation system for ecological environment damage in article 1010. These legal systems have important meaning for promoting the construction of ecological civilization, and can more effectively realize the docking of green principles and relevant legal systems. For

the implementation of this law, we need to pay attention to it and avoid it becoming mere empty talk.

IV. Conclusion

As a new principle, the green principle has a good guidance to the social green development. However, due to its new nature, it also has some disadvantages, that is, it can not be well connected with other systems, and there is no relatively perfect legal system. Based on the study of the principle of green development in the General Principles of Civil Law from the perspective of the compilation of Civil Code, this paper finds out the problems and difficulties that the principle will face in the specific implementation process, and puts forward its own suggestions on how to solve the difficulties and future development. The innovation of this paper lies in the analysis of the possible bottlenecks in the implementation of the green principles in the General Principles of Civil Law, and the suggestions are put forward from six aspects, namely, giving full play to the guiding role of the green principles in the General Principles of Civil Law in the compilation of specific provisions of Civil Code, reasonably defining the connotation and requirements of the green principles in the compilation of Civil Code, and scientifically handling the green principles in the compilation of Civil Code. The relationship with other principles of civil law, the balance and coordination between the green principles of Civil Code and the principles of environmental law and circular economy promotion law, the continuous improvement of the security system for the implementation of the green principles of Civil Code and the emphasis on strengthening the principle and system docking between the specific principles of Civil Code. In view of the time is relatively short, my research skills still need to improve the field survey is not enough, the empirical analysis of this paper is still weak. Next, I will further deepen the development concept and connotation of the green principles of the General Principles of Civil Law, and further explore the implementation mechanism, and build the theoretical system of the green principles of the General Principles of Civil Law.

Reference:

- [1] Liu Changxing. On the realization of "green principle" in contract compilation of Civil Code [J]. Legal Science (Journal of Northwest University of political science and law), 2018,36 (06): 131-140
- [2] Liu Changxing. The greening of the Civil Code cannot stop at Article 9 of the General Principles of Civil Law [n]. China Environmental News, November 9, 2018 (03)
- [3] Consolidation. The concept of "green" in the real right part of the Civil Code [J]. Legal Science (Journal of Northwest University of political science and law), 2018,36 (06): 116-130
- [4] Tang Lingling. Value goal and legislative construction of green principle in Civil Code [J]. Journal of Tianshui University of administration, 2018,19 (03): 77-81
- [5] Ma Hong. Why the green principle is included in the Civil Code [J]. Academic monthly, 2017,49 (10): 93-102
- [6] Liu Yideng, Wang Yidi. On the green principles in the General Principles of Civil Law [J]. Social Sciences, 2018,33 (10): 94-97

- [7] Pu Chen. Analysis of the function of "green principle" in the General Principles of Civil Law of China [J]. New West, 2018 (28): 78 + 71
- [8] Shan Guangxin. Benign interaction between Civil Code and environmental law -- Taking the green principle in General Principles of Civil Law as a bridge [J]. South China Sea Law, 2018,2 (01): 98-106
- [9] Lu Zhongmei research group, Lu Zhongmei, Zhu Xiao, Jian Jian, Liu Changxing, Liu Chao. On the implementation of "green principle" in Civil Code [J]. Chinese law, 2018 (01): 5-27
- [10] Shi Yishu. Protection of environmental rights under the "green principle" of the Civil Code of China [J]. Human rights, 2018 (01): 103-112
- [11] Zhang Li's "green principle" as a private law tool for ecological environment protection [J]. Fujian daily, June 2017
- [12] Chen Jingxian. Research on green principles in General Principles of Civil Law [J]. Law and society, 2017 (18): 15-16
- [13] Liu Chao. On the development of "green principle" in the system of tort liability of Civil Code [J]. Legal Science (Journal of Northwest University of political science and law), 2018,36 (06): 141-154
- [14] Dan Pingji. The radiation effect of "green principle" on "property right edition" of Civil Code [J]. Journal of Suzhou University (PHILOSOPHY AND SOCIAL SCIENCES EDITION), 2018,39 (06): 85-96
- [15] Ed Brown,Jonathan Cloke, Danielle Gent,Paul H. Johnson,Chloe Hill. GREEN GROWTH OR ECOLOGICAL COMMODIFICATION: DEBATING THE GREEN ECONOMY IN THE GLOBAL SOUTH [J]. Geografiska Annaler: Series B, Human Geography, 2014, 96 (3).
- [16] Dejan Lončar, Jane Paunković,Violeta Jovanović, Vesna Krstić. Environmental and social responsibility of companies cross EU countries – Panel data analysis [J]. Science of the Total Environment, 2019,657.
- [17] Martin Rasiah. The research of Southeast Asia industry transformation and green industry development [J]. Environment, Development and Sustainability, 2017, 1(2): 217-227.

